

VIRGINIA:

BEFORE THE BOARD OF OPTOMETRY

IN RE: Eustace F. Bourne, O.D.
605 21st Street NE
Washington, DC 20002
License No. 0601 000408

*Cases 1988-00948 (54894)
1988-00554 (55155)*

ORDER

Pursuant to §§9-6.14:12 and 54.1-3215, Code of Virginia (1950), as amended, a formal administrative hearing was held with Eustace F. Bourne, O.D., on November 13, 1989, in Richmond, Virginia, before the Board of Optometry, (hereinafter "the Board"). The purpose of the hearing was to receive and act upon evidence regarding allegations that Eustace F. Bourne, O.D., may have violated certain statutes and regulations governing the practice of optometry in the Commonwealth, as more fully set forth in a notice of hearing and statement of particulars dated October 13, 1989, which are incorporated by reference herein. Dr. Bourne was present, and was not represented by counsel. The Board was represented by Teresa D. Creef, Assistant Attorney General. The proceedings were recorded by a certified court reporter.

WHEREFORE, on the basis of the evidence presented and after due deliberation, the Board now enters this **Order**.

FINDINGS OF FACT

The Board adopts the following Findings of Fact:

1. That Eustace F. Bourne, O.D., holds license number 0601 000408 issued by the Virginia Board of Optometry.
2. From approximately December, 1987 to approximately June, 1988, Dr. Bourne practiced optometry at 4314-J Evergreen Lane, Annandale, Virginia, without placing a sign on the exterior of

the entrance or reception area listing his name as practicing at that location and without displaying his license to practice optometry.

3. Between on or about October 14, 1987 and approximately August, 1988, Dr. Bourne practiced optometry under the names "Soft Contacts Limited" and "Contacts Limited", which are names other than that set forth on his certificate of registration and did not otherwise constitute an authorized professional designation.

4. Between on or about late 1987, and August, 1988, Dr. Bourne practiced optometry as a direct employee of Soft Contacts, Ltd. In addition, during the course of the aforesaid employment relationship, he split or divided his professional fees with a person not licensed to practice optometry in the Commonwealth, to wit: Ali Habib.

5. On or about April 21, 1988, Dr. Bourne failed to perform a comprehensive eye examination which meets the standard of care on Patient A, in that

a) he failed to use an ophthalmoscope, slit lamp, and other related instruments;

b) he failed to check for glaucoma or examine the condition of the cornea for which the contact lenses were to be fitted;

c) he failed to record case history on Patient A;

d) he failed to take visual acuity measurements;

e) he failed to perform external and internal examinations, to determine the health of the eye;

f) he failed to take any corneal curvature readings;

g) he failed to schedule a follow-up appointment for Patient A and also failed to provide instructions on care and handling of the contact lenses.

6. On or about April 21, 1988, Dr. Bourne wrote a prescription for contact lenses to Patient A. Said prescription form failed to include the patient's name, Dr. Bourne's printed name, the address and telephone number at which the patient's records are maintained, and the number where Dr. Bourne could be reached for consultation.

7. The aforementioned written contact lens prescription for Patient A include two lens options which differed significantly in their fitting characteristics. More specifically, the Permaflex lens does not come in an 8.60 base curve or 14.5 mm size as listed on said prescription.

8. On or about April 21, 1988, Dr. Bourne allowed an unlicensed person, Ali Habib, to fit contact lenses on Patient A, thereby endangering the health and welfare of the patient.

CONCLUSIONS OF LAW

Based on the foregoing **Findings of Fact**, the Board adopted the following conclusions:

1. That Dr. Bourne is in violation of §54.1-3215(3), [§54-388(A)(1)(d) prior to January 1, 1989], §54.1-3215(12), [§54-388(A)(2)(g) prior to January 1, 1989], §54.1-3215(14), [§54-388(A)(2)(i) prior to January 1, 1989], §54.1-3205(B), [§54.1-3215(15), [§54-388(A)(2)(1) prior to January 1, 1989] of the Code of Virginia (1950), as amended, and Board Regulations 3.1(2), 3.1(4), 3.1(9), 3.1(10), 3.1(11) and 4.1(A).

ORDER

WHEREFORE, on the basis of the foregoing **Findings of Fact** and **Conclusions of Law**, it is hereby **ORDERED**:

1. That the license of Eustace F. Bourne, O.D., to practice optometry in the Commonwealth of Virginia is hereby indefinitely **SUSPENDED** for not less than one year.

It is further ordered that should Dr. Bourne seek reinstatement of his license to practice optometry in the Commonwealth of Virginia, he must first complete 100 credit hours of transcript quality course work to include, but not be limited to, pathology of the eye, contact lenses, record keeping, and use of ophthalmic instruments, and must pass the general optometry and the jurisprudence portions of the Virginia Board of Optometry licensing examination.

Pursuant to §9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this ORDER shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release and inspection and copying upon request.

FOR THE BOARD:

Stanley L. Jason O.D.
Stanley L. Jason, O.D.
President

EFFECTIVE 1-5-90

RECEIVED: January 9, 1990

BY: Bernard L. Henderson, Jr.
Bernard L. Henderson, Jr., Director
Department of Health Professions